



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
087666,653	06/18/96	HONDA	T 024060-064

LM61/0827
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EXAMINER	
GARBER, W	
ART UNIT	PAPER NUMBER
2712	15

DATE MAILED: 08/27/99

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☒ is extended to run 5 mos or continues to run _____ from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 8/17/99 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The limitation that the video signal recording section stores still and motion pictures on the video recording medium of the still pictures being distinguishable because of the video information would require additional search/consideration

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: 19-26

Claims objected to: _____

Claims rejected: 1-18, 27-28

However;

☐ Applicant's response has overcome the following rejection(s): _____

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because See attached

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.


☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other

Best Available Copy

Art Unit: 2712

1. The Applicant argues that the finality of the previous Office action should be withdrawn. The Applicant bases this position on the fact that “the features which are now alleged as being obvious, rather than anticipated as per the previous rejection were present in the original pending claims”. The Examiner disagrees. Original claim 1 included the limitation of a video signal recording means which was capable of storing a “video signal” as well as “video information”. This limitation was written broadly and interpreted correspondingly broadly by the examiner. This limitation was read on the image sensor (15), signal processing circuit (18) and memory (19) as seen in Inoue’s figure 1. The phrase “video information” is broad enough to read on, not only the current frame received from the “video picture shooting section”, but also information (data) from previous frames. That is, the “information” can be video signal data itself.
2. In response to the first rejection, the Applicant amended the claim so as to specify that the “video information” relates “to the shooting of the video picture”. This amendment makes it clear that the “information” is not a video signal, per se, but information relating to the video signal. It was this amendment which required a §103 rejection as opposed to the §102 which was previously made. It should be noted that this same amendment was made regarding the “information” stored along with the picture on the silver salt-based medium.
3. For this reason, the finality of the previous Office action will be maintained.


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